

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Confirmation No.: 4869
Marc Schaeckens, et al.	§	
	§	Group Art Unit: 2815
Serial No.: 10/817,531	§	
	§	Examiner: Chris C. Chu
Filed: April 2, 2004	§	
	§	
For: Organic Electronic Packages Having	§	Atty. Docket: 133525-1/YOD/MAN
Hermetically Sealed Edges and	§	GERD:0065
Methods of Manufacturing Such	§	
Packages	§	

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Date

/Robert A. Manware/

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**REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41**

Appellants submit this Reply Brief pursuant to 37 C.F.R. § 41.41 and in response to the Examiner's Answer mailed on April 7, 2009. In the interest of brevity, Appellants have addressed below only those issues or arguments raised by the Answer that are particularly noteworthy. Accordingly, Appellants respectfully request that the Board consider Appellants' complete arguments set forth in the Appeal Brief filed on August 9, 2007 in addition to the following remarks.

*Padiyath does not disclose or suggest a package comprising “an organic electronic device...and a superstrate coupled directly to the sealant and disposed proximate to the organic electronic device.”*

In Section 10 of the Examiner’s Answer (Response to Arguments), the Examiner asserted that the “organic electronic device,” when given its broadest reasonable interpretation, can be considered analogous to the “light emitting structure 220” of Padiyath. Appellants maintain that this interpretation of the recited “organic electronic device,” is wholly unreasonable, as this interpretation is contrary to the plain language of the claim, contrary to Appellants’ entire specification and contrary to the express teachings and illustrations of the Padiyath reference.

To summarize the point, in order to make the argument that the asserted superstrate of Padiyath (metal foil 250) is “coupled directly to the sealant and disposed proximate to [but not in contact with]<sup>1</sup> the organic electronic device,” the Examiner has cited *only* the “light emitting structure 220” as corresponding to the recited “organic electronic device.” In suggesting that the recited “organic electronic device” could be interpreted as *not* including electrodes, the Examiner is able to argue that the cathode 230 and anode (which is the outer portion of the barrier layer 210) of Padiyath are not part of the recited “organic electronic device” and thus, that the asserted superstrate (metal foil 250) is *not* in contact with (i.e., proximate to) the “organic electronic device,” since the cathode 230 is disposed between the asserted organic electronic device (i.e., light emitting structure 220) and the asserted superstrate (metal foil 250). If, as Appellants have maintained, the cathode 230 (and anode 210) must be read as being included in the recited “organic electronic device,” then the Examiner’s position fails, as the asserted superstrate (metal foil 250) is disposed in contact with the cathode 230, and thus, in contact with the organic electronic device.

As Appellants have previously argued, the Examiner’s suggestion that one skilled in the art would interpret the “light emitting structure 220” alone, and without the cathode 230 and anode 210 as being analogous to the recited “organic electronic device,” is wholly unreasonable

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<sup>1</sup> Appellants refer the Board to the previously submitted Appeal Brief for the arguments regarding Appellants’ assertion that as used herein, “proximate to” precludes being “in contact with.” This argument is provided in full detail in the Appeal Brief, but is beyond the scope of the presently submitted Reply Brief, as the Examiner’s

and inconsistent with the express language of the claims, Appellants' specification and the teachings of Padiyath.

First, Appellants note that the claim language itself supports Appellant's position that an "organic electronic device" refers to organic semiconductor materials disposed between two electrodes. One skilled in the art would fully appreciate that an "electronic device" of any sort would encompass more than merely semiconductor materials. More specifically, an "organic *electronic device*" must include something more than simply the organic materials. Without the electrodes, between which the organic materials are disclosed, there can be no "electronic device." That is, without the electrodes, there is no way to utilize the photosensitive properties of the organic materials, because there is no current path provided and no completed circuit. Organic materials alone do not form an electronic device. Accordingly, the Examiner's position that the recited "organic electronic device" could be broadly interpreted to merely include organic material layers, without electrodes, is wholly unreasonable and inconsistent with the express language of the claims. Organic materials by themselves *do not* provide the necessary elements to be analogized with an organic *electronic device*. In the Answer, the Examiner asserted that because the claim does not expressly recite that the electrodes are included in the recited "organic electronic device," the Examiner is free to interpret the claims more broadly and thus, interpret the term as not including the electrodes. However, Appellants assert that the explicit inclusion of the electrodes in the claim to further describe the "organic electronic device" is unnecessary and would, in fact, be redundant, as an "organic *electronic device*," by definition, includes electrodes.

Further, not only is the Examiner's interpretation of the "organic electronic device" inconsistent with the express language of the claim itself, it is wholly inconsistent with Appellants' specification. While Appellants maintain that the term is clear from the express claim language, any ambiguity must be resolved in view of the specification. Each and every usage of the term "organic electronic device" throughout the specification makes clear that the term includes not only the organic materials, but also includes the electrodes. For instance, the

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Response to Arguments in the Examiner's Answer did not address this point any further than it was previously addressed in the Final Office Action.

term “organic electronic device,” which is recited in each of the independent claims at issue, is first introduced in paragraph [0023], with reference to Fig. 1. Paragraph [0023] states:

The organic package 10 also includes an organic electronic device 16 coupled to the barrier coating 14. The organic electronic device 16 may comprise an OLED or OPV, for instance. **The organic electronic device 16 generally includes a number of organic semiconductor layers disposed between two conductors or electrodes.** Accordingly, while not illustrated in Fig. 1, the electrodes of the organic electronic device 16 are electrically coupled to an external current source, which is used to initiate the light producing reactions in the organic electronic device 16.

Specification, paragraph [0023], emphasis added in bold.

Accordingly, when initially introduced in the specification, the organic electronic device 16 is defined to include a number of organic semiconductor layers disposed between two conductors or electrodes. The term “organic electronic device” is used throughout the specification, and in the claims, in such a way as to necessitate the inclusion of electrodes. Each and every figure that illustrates the organic electronic device 16 illustrates the electronic device as a single entity, without separate illustration of the electrodes and organic layers. That is, there is not a single illustration of the electrodes in the present figures, because the “organic electronic device 16” is consistently described to include them. Thus, to suggest that the “organic electronic device” of claims 1 and 47 could refer to organic layers *without* surrounding electrodes, would suggest that the recited “organic electronic device” is different from the “organic electronic device 16” described and illustrated throughout the specification. Since the claim term is identical to the term used in the specification, this position is untenable. Further, if the organic electronic device 16 could be interpreted broadly enough to allow for the term to refer only to the organic layers, as asserted by the Examiner, the devices illustrated in Appellants’ figures are wholly devoid of electrodes, and thus, inoperable as illustrated. This again is an untenable position. As such, along with the unambiguous express claim language, the specification makes clear that the term “organic electronic device” refers to organic layers disposed between two electrodes. Contrary to the Examiner’s assertion, Appellants are not seeking to have limitations from the specification read into the claims, but rather, are merely asking that the term be viewed in light of every usage of the claim term in the specification.

Thus, the Examiner's interpretation of the "organic electronic device," is wholly inconsistent with Appellants' specification.

Still further, the Examiner's interpretation of the recited "organic electronic device" is even inconsistent with the Padiyath reference. As discussed above with reference to paragraph [0023], Appellants noted that "organic electronic devices" could include OLEDs or OPVs, for instance. In other words, one example of an organic electronic device would be an organic OLED device. The Padiyath reference clearly illustrates one such OLED device 200 in Fig. 4. Appellants note that Fig. 4 is the only figure which illustrates a "device" of any sort, and in particular, the only figure that illustrates an "OLED device" 200. As illustrated in Fig. 4, and described at col. 8, line 66 – col. 9, line 20, the OLED device 200 includes, not only the organic layers ("light-emitting structure 220"), and electrodes (cathode 230 and outer ITO layer of barrier assembly 210 that serves as an anode), but also includes additional surrounding materials provided to prevent water vapor and oxygen from reaching the light emitting structure 220. Thus, far from suggesting that an organic electronic device, such as the OLED device 200, might include *only* organic layers, the Padiyath reference makes clear that as used throughout the reference a "device" includes a number of additional elements. However, in order to make the rejection, the Examiner has chosen to ignore the most clearly relevant teaching of the "device" of Padiyath and suggest that one skilled in the art might interpret the recited "organic electronic device" as referring only to the light-emitting structure 220 of Padiyath and not to the surrounding electrodes or additional elements described as being part of the OLED device 200. Appellants assert that the Examiner's position is not only inconsistent with the express language of the claims, especially when read in light of the specification, but that the Examiner's position is also inconsistent with the teachings of Padiyath.

In summary, Appellants reiterate that the Examiner has failed to show each and every element of claims 1-10, and 47-50. In short, Appellants assert that the Examiner's claim interpretation is wholly unreasonable, and inconsistent with the express claim language, the teachings of the specification and the teachings of the asserted reference. Therefore, Appellants respectfully request that the Board direct the Examiner to reverse all the rejections of the pending claims.

Respectfully submitted,

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